

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

DEENA MARTEL,	)	
Charging Party	)	HRC CASE NO. 0119014885
	)	
v.	)	
	)	FINAL AGENCY DECISION
GREAT FALLS APPLE, INC.,	)	
Respondent	)	

Charging Party, Deena Martel (Martel), filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging discrimination in employment on the basis of retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Martel's allegations that Respondent, Great Falls Apple, Inc., discriminated against Martel. The Department issued a Notice of Dismissal. Martel filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on November 17, 2011. No oral argument was requested.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this Final Agency Decision is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review must be requested within 30 days of the date of this Final Agency Decision.

IT IS HEREBY ORDERED, that the objection of Deena Martel is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss Deena Martel's complaint against Great Falls Apple, Inc.

DATED this 21<sup>st</sup> day of November 2011.

/L.M.Minich  
L.M. Minich, Chair  
Human Rights Commission

# CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing FINAL AGENCY DECISION was mailed to the following by U.S. Mail, postage prepaid, on this 21<sup>st</sup> day of November 2011.

DEENA MARTEL  
P.O. BOX 335  
VAUGHN, MT 59487

W. ANDERSON FORSYTHE  
ATTORNEY AT LAW  
P.O. BOX 2559  
BILLINGS, MT 59103

/Tam Newby/  
Tam Newby, Legal Secretary  
Montana Human Rights Bureau